

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PATRICIA A. GRANT, PH.D.,

Plaintiff,

VS.

TEXAS STATE ATTORNEY GENERAL
OPEN GOVERNMENT RECORDS AND
CONSUMER PROTECTION DIVISION
ET AL.

Defendants.

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CIVIL ACTION NO. SA-21-CV-761-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court are the Report and Recommendation of United States Magistrate Judge filed on November 16, 2021 (docket #4), and Plaintiff's Response to Report and Recommendation of United States Magistrate Judge filed on December 2, 2021 (docket #6).¹

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of them. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report or Recommendation to which there are objections requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will

¹ Plaintiff advises that she was unable to file her objections in a timely manner due to technical difficulties. (Docket #6 at Exhibit 2). Based on that declaration, the Court, will consider the Response timely filed and will consider Plaintiff's Response in its entirety.

make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1987).

In the Report, Magistrate Judge Farrer provisionally granted Plaintiff's IFP Application (docket #1) and recommends to this Court that the case be DISMISSED pursuant to 28 U.S.C. § 1915(e) as frivolous and malicious and for failure to state a claim upon which relief may be granted. Magistrate Judge Farrer added that should this Court disagree with his recommendation, Plaintiff should be ordered to either provide supplemental financial information to support her IFP request or make periodic payments of the filing fee (docket #4 at page 10).


The Court has reviewed all of Plaintiff's Response to Report and Recommendation of United States Magistrate Judge (docket #6), and has conducted a de novo review of the Magistrate Judge's Report and Recommendation. The Court finds, after careful consideration of the record, the Report and Recommendation, and Plaintiff's Response, that the objections lack merit. The Court hereby accepts, approves, and affirms the granting of Plaintiff's IFP application and accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation (docket #4). The Court further agrees that Plaintiff's case should be DISMISSED pursuant to 28 U.S.C. § 1916(e) as frivolous and malicious and for failure to state a claim upon which relief may be granted. Therefore, this Court hereby accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation filed on November 16, 2021 (docket #4) in its entirety. The Report and Recommendation shall be accepted pursuant to 28 U.S.C. § 636(b)(1) such that the plaintiff's case shall be DISMISSED pursuant to 28 U.S.C. § 1915(e) as frivolous and malicious and for failure to state a claim upon which relief may be granted.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge, filed in this case on November 16, 2021 (docket #4) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that the provisional granting of Plaintiff's IFP application (docket #1) is

approved and affirmed, and Plaintiff's case is DISMISSED pursuant to 28 U.S.C. § 1915(e) as frivolous and malicious and for failure to state a claim upon which relief may be granted. Motions pending, if any, are also DISMISSED, and this case is now CLOSED.

It is so ORDERED.

SIGNED this 30th day of December, 2021.



FRED BIERY
UNITED STATES DISTRICT JUDGE